

FONTES et al.
Appl. No. 10/521,239
Atty. Ref.: 3665-132
Amendment
Monday, March 24, 2008

REMARKS

Reconsideration is requested.

Claims 1-22, 24-28, 30 and 35-44 have been canceled, without prejudice.

Claims 45-50 have been added. Support for the amendments may be found throughout the specification. No new matter has been added.

A certified English translation of the French priority application is attached. The Examiner is requested to acknowledge receipt of the same and accord the claims benefit of the filing date of same in the Examiner's next Action.

The Examiner's comment regarding listing of an International Search Report on a reference list for official consideration by the Examiner is noted. The applicants desire the International Search Report to be listed on the face of a patent issuing from the present application as an acknowledgement of the Examiner's consideration of the same. The applicants note that a search of the U.S. Patent Office on-line records reveals that 37,445 U.S. Patents have issued since 1976 listing an "International Search Report" under "Other Documents" as acknowledgement of consideration of an International Search Report during prosecution. The following is a copy of the list of the first 18 patents returned from the search:

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Patent Database Search Results: OREF/"International Search Report" in US Patent Collec... Page 1 of 3

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PAT. NO.	Title
1 RE40.156	T Methods for repairing damaged intervertebral discs
2 RE40.153	T Multi-touch system and method for emulating modifier keys via fingertip chords
3 D564.662	T Hourglass-shaped knife for electrosurgical forceps
4 D564.594	T Hole punch
5 D564.593	T Hole punch
6 7.346.927	T System and method for storing and accessing secure data
7 7.346.920	T System, method and article of manufacture for a common cross platform framework for development of DVD-Video content integrated with ROM content
8 7.346.891	T System and method for automating generation of an automated sensor network
9 7.346.878	T Apparatus and methods for providing in-chip microtargets for metrology or inspection
10 7.346.842	T Methods and apparatus for incorporating a partial page on a client
11 7.346.839	T Information retrieval based on historical data
12 7.346.775	T System and method for authentication of users and web sites
13 7.346.773	T Enabling stateless server-based pre-shared secrets
14 7.346.772	T Method for fast, secure 802.11 re-association without additional authentication, accounting and authorization infrastructure
15 7.346.744	T Methods and apparatus for maintaining remote cluster state information
16 7.346.720	T Systems and methods for managing concurrent access requests to a shared resource
17 7.346.719	T Systems, methods, and bus controllers for creating an event trigger on a network bus
18 7.346.705	T Method of synchronising three or more electronic devices and a computer system for implementing that method

<http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnet...> 3/24/2008

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Of these patents, 57 list the Supervisory Primary Examiner who signed the Office Action of November 23, 2007 (i.e., "Tsang; Cecilia") as Primary Examiner where International Search Reports have been considered by Examiners and listed on the face of a patent as "Other Documents".

These results evidence that the Patent Office has regularly considered International Search Reports as "publications" or "Other Documents" appropriately considered by Examiners and listed on the face of patents as acknowledgement of same.

The Examiner is requested to confirm consideration of the International Search Report previously listed on the applicants PTO 1449 Form filed January 14, 2005, in a manner that the same will be listed on the face of any patent issuing from the present application. A further PTO 1449 Form listing the International Search Report as well as a complete citation of the previously considered Matsushita et al. and Giubileo documents is attached. Return of an initialed copy of the attached, pursuant to MPEP § 609, is requested.

The Examiner is requested to provide a complete PTO 892 Form, which includes the title of each cited Non-Patent Document.

Specifically, the PTO 892 Form received with the Office Action of November 23, 2007 fails to include the title of each Non-Patent Document.

The Examiner will appreciate that MPEP § 707.05(e) provides as follows:

707.05(e) Data Used in Citing References [R-2]

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37 CFR 1.104(d) (see also MPEP § 707.05 and § 901.05(a)) requires the examiner to provide certain data when citing references. The examiner should provide the citations on the "Notice of References Cited" form PTO-892 (copy at MPEP § 707.05). ...

III. < PUBLICATIONS

In citing a publication, sufficient information should be given to determine the identity and facilitate the location of the publication. ...

In citing periodicals, information sufficient to identify the article includes the author(s) and title of the article and the title, volume number issue number, date, and pages of the periodical.

See
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_707_05_e.htm#sect707.05e (August 29, 2007) (Emphasis added.)

The Examiner is requested to provide a new PTO 892 Form which includes the information required by the MPEP, such as is described in the above-quoted passage.

The Section 112, second paragraph, rejection of claims 33 and 34 is obviated by the above amendments. Withdrawal of the rejection is requested.

The objection to claims 31-34 is obviated by the above amendments. Withdrawal of the objection is requested.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 23-28, 31-31 and 35-36 over Geffard (U.S. Patent No. 6,114,388) and Pomerance (JBC, 2000, pp 40539-40546); the Section 103 rejection of claims 29 and 37-38 over Geffard in view of Djoneidi (Gene, 2000, pp 223-231); and the Section 103 rejection of claims 32-34 over Geffard in view of Austria (J. Pharm. Biom. Anal. 1997,

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Vol. 15, pp 795-801), are traversed. Reconsideration and withdrawal of the rejections are requested in view of the above and the following distinguishing comments.

Geffard purports to describe a method for the treatment of a large number of diseases (from HIV infection to cancers), among which neuropathies are cited. Charcot-Marie-Tooth (CMT) is cited among various neuropathies (from migraine to epilepsy). Vitamin C, among other antioxidant type compounds, is disclosed as a compound to be conjugated with polylysine. The linkage between vitamin C and the polylysine is between the amine group of the latter and the oxo group of vitamin C.

As stated by the Examiner on page 6 of the Office Action dated November 23, 2007, Geffard does not teach a method of treating neuropathies using cAMP inhibitor. Geffard is also fails to teach specifically a method of treating CMT using an effective amount of vitamin C or derivatives thereof.

The applicants submit that no treatment exists to reverse or slow the natural disease process for Charcot-Marie-Tooth disorder.

As a result of the invention of the present disclosure and claims, clinical trials for the treatment of CMT are currently being performed with vitamin C.

According to the Examiner, Pomerance discloses a link between cAMP inhibition and vitamin C. See page 6 of the Office Action dated November 23, 2007. However, Pomerance does not suggest a method for treating Charcot-Marie-Tooth using an effective amount of vitamin C or a derivative thereof.

The cited combination of art fails to teach or suggest a predictable use of vitamin C or a derivative thereof, as claimed, to treat Charcot-Marie-Tooth disease. As Geffard

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does not suggest the use of vitamin C per se. Geffard, at best, only emphasizes the antioxidant effect of vitamin C, like vitamins A and E, and describes therefore conjugation of such compounds with polylysine to treat numerous diseases. Pomerance neither teaches nor suggest that vitamin C could play a role as a therapeutically effective agent to treat CMT.

The claims are submitted to be patentable over the combined teachings of Geffard and Pomerance and withdrawal of the Section 103 rejection of claims 23-28, 31-31 and 35-36 based on the same is requested.

Djoneidi et al. also fails to cure the deficiencies of Geffard. Specifically, Djoneidi et al. have reported fundamental research made on the molecular dissection of the Schwann cell specific promoter of the PMP22 gene so as to understand the mechanisms by which the expression of said gene is regulated.

Even if Charcot-Marie-Tooth type 1A is said to present an overexpression of PMP22, this disclosure would not have suggested to one of ordinary skill in the art to have uses an effective amount of vitamin C to treat Charcot-Marie-Tooth.

The claims are submitted to be patentable over the combined teachings of Geffard and Djoneidi et al. and withdrawal of the Section 103 rejection of claims 29 and 37-38 based on the same is requested.

Austria also fails to cure the deficiencies of Geffard. Specifically, Austria is believed to only relate to ascorbic acid species and discloses various vitamin C derivatives.

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The claims are submitted to be patentable over the combined teachings of Geffard and Austria and withdrawal of the Section 103 rejection of claims 32-34 based on the same is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
 B. J. Sadoff
 Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100